

Administrative Deviation Request

- 1) Deviation from Lee County LDC Section 10-296(e) -Table 7 -which requires an 8' wide Pedestrian Facility (sidewalk) along Minor Collector Roads in the Central Urban future land use category, to allow: a 6' wide Pedestrian Facility (sidewalk) along 5th Street W.

Justification: The platted right-of-way of 5th Street West is only 50 feet wide, which limits the area required to comply with the street design and construction standards for minor urban collector streets. There is not sufficient space to provide 10-foot travel lanes, 8-foot wide pedestrian facilities, 1-foot flat area and drainage swales within the 50 feet. In order to comply with the LDC to the maximum extent possible, a 6-foot wide sidewalk is requested. The dual frontage on 5th street West and Lee Boulevard significantly reduce the developable area on-site.

The proposed 6-foot wide sidewalk aligns with the sidewalk to the west, permitted under DOS2022-00088.

The proposed request is not detrimental to the health, safety, or welfare of the adjacent land owners or the general public.

- 2) Deviation from lee County LDC Section 10-296(d)(4)(c) -which requires roadside swales within county-maintained street right-of-way must have side slopes no steeper than four horizontal to one vertical. Normal swale sections must be a minimum of 12 inches deep, to allow: a roadside swale with side slopes of three horizontal to one vertical and a maximum depth one foot five inches from adjacent elevations.

Justification: Per LDC Section 10-296e Table 7, the county requires the installation of an 8' wide pedestrian facility along 5th Street West, an urban minor collector. The pedestrian facility is required to have 1 foot of flat space on each side of the sidewalk. The platted right-of-way of 5th Street West is only 50 feet wide, limiting the area needed to comply with the street design and construction standards. In order to comply to the maximum extent possible, it is requested a 3:1 side slope on a 1' deep swale with a sidewalk and 1' of flat space on each side be provided. The drainage swale with reduced side slopes is adequate to provide the volume required. The reduced side slopes will not have any detrimental effects to the operation of the drainage system.

LEE COUNTY LDC 10-104 (b)

1. The alternative proposed to the standards contained herein is based on sound engineering practices.

Response:

All proposed elements of the current design, including each element associated with the requested deviations, have been completed with sound engineering practice. The

reduced pedestrian facility width and steeper swale sides will allow the proposed improvements to fit within the 50 foot right-of-way of 5th Street West.

2. The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standards from which the deviation is being requested.

Response:

The requested deviations are no less consistent with the standard and/or existing conditions of the project and therefore should be no less consistent with the health, safety and welfare of abutting landowners and the general public.

The pedestrian facility reduced width will allow the sidewalk to be located further from traffic lanes on 5th Street West.

The steeper swale side slopes will not negatively impact the health, safety and welfare of the public.

3. For Division 7 of Article III of Chapter 10, the required facility would unnecessarily duplicate existing facilities.

Response:

The requested deviations do not unnecessarily duplicate existing facilities.

4. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Response:

The deviations requested are not inconsistent with any specific policy directive of the Board of County Commissioners or any other ordinance, or any Lee Plan provision.

5. For Sections 10-352 and 10-353, the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility.

Response:

The requested deviations do not request relief from LDC Sections 10-352 and 10-353 and therefore are not applicable to this code.

6. For sections 10-329(f) and 10-418(4), the proposed use of hardened structures for restoration of existing lake bank slopes will be evaluated on a case by case basis. The application for the hardened structure must demonstrate compliance with Section 10-

418(3) for compensatory littorals as well as previously approved littoral and deep lake management plan requirements.

Response:

The requested deviations do not request relief from sections 10-329(f) and 10-418(4) and therefore are not applicable to this code.